

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

NOV 23 2015

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA LAWRENCE EAGLE,

Defendant.

CR-12-46-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 15, 2015. (Doc. 58.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-152 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 13, 2015. (Doc. 54.) Eagle admitted to violating his conditions of supervised release by failing to report to his probation officer as directed, by failing to notify his probation officer of his new address, by failing to participate in substance abuse testing, and by

failing to participate in substance abuse treatment. (Doc 58.) Judge Johnston found the evidence sufficient to establish that Eagle had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Eagle's supervised release. (Doc. 58.) Based on the joint recommendation of the parties, the Magistrate recommends that the Court impose a sentence at the low-end of the guideline range. (*Id.*) Judge Johnston recommends that the Court sentence Eagle to three (3) months imprisonment followed by twenty-one (21) months of supervised release. (*Id.*) Judge Johnston further recommends that the Court should modify the conditions of Eagle's supervised release to include a requirement that Eagle spend 180 days in a residential reentry center. (*Id.*)

Eagle's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The statutory and guideline term of supervised release is 30 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Eagle's current violation is serious in nature. A sentence of three (3) months imprisonment followed by a term of supervised release of twenty-one (21) months is sufficient, but not greater than necessary. The Court modifies

the conditions of Eagle's supervised release to include a condition requiring Eagle to spend 180 days at a residential reentry center. All remaining conditions of release previously imposed shall be continued.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 58) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Joshua Lawrence Eagle shall be sentenced to **three (3) months imprisonment followed by twenty-one (21) months of supervised release**. While on supervised release, Eagle shall spend 180 days in a residential reentry center.

DATED this 13th day of November, 2015.

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge